

MAR 08 2013

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# SENATE CONCURRENT RESOLUTION

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REQUESTING THE CONVENING OF A TASK FORCE TO STUDY AND MAKE  
RECOMMENDATIONS REGARDING POLICIES AND PROCEDURES TO  
IMPROVE THE ACCURACY OF EYEWITNESS IDENTIFICATIONS.

1 WHEREAS, mistaken eyewitness identification has been shown  
2 to have contributed to the wrongful conviction in approximately  
3 seventy-five percent of the nation's exonerations; and  
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5 WHEREAS, over the past thirty years, a large body of peer-  
6 reviewed, scientific research and practice have emerged showing  
7 that simple systemic changes in administering eyewitness  
8 identification procedures can greatly improve the accuracy of  
9 those identifications; and  
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11 WHEREAS, policies and procedures to improve the accuracy of  
12 eyewitness identifications, such as those recommended by the  
13 U.S. National Institute of Justice, the American Bar  
14 Association, the New Jersey Office of the Attorney General, the  
15 Wisconsin Office of the Attorney General, the California  
16 Commission on the Fair Administration of Justice, the  
17 International Association of Chiefs of Police, and the North  
18 Carolina Actual Innocence Commission, are readily available; and  
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20 WHEREAS, more accurate eyewitness identifications increase  
21 the ability of police and prosecutors to convict the guilty and  
22 protect the innocent; and  
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24 WHEREAS, the integrity of Hawaii's criminal justice process  
25 is enhanced by adherence to best practices in evidence  
26 gathering; and  
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28 WHEREAS, uniformity in practice and protocols among all  
29 counties is important for consistency of justice; and  
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31 WHEREAS, Hawaii will benefit from the improvement of the  
32 accuracy of eyewitness identifications; and



1  
2 WHEREAS, best practices in cases where there are multiple  
3 eyewitnesses include each eyewitness viewing photograph or live  
4 lineups separately or sequentially; the suspect being placed in  
5 a different position in the live lineup and/or photograph lineup  
6 for each eyewitness; the eyewitnesses not being permitted to  
7 communicate with each other until all identification procedures  
8 have been completed; and the filing of confidence statements by  
9 each eyewitness; now, therefore,

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11 BE IT RESOLVED by the Senate of the Twenty-seventh  
12 Legislature of the State of Hawaii, Regular Session of 2013, the  
13 House of Representatives concurring, that in order to prevent  
14 the injustice of a wrongful conviction caused by mistaken  
15 eyewitness identification; to improve lineup procedures during  
16 criminal investigations; and to further improve the enforcement  
17 of justice within Hawaii, this body requests the formation of a  
18 task force to identify and recommend policies and procedures to  
19 the Legislature to improve the accuracy of eyewitness  
20 identifications; and

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22 BE IT FURTHER RESOLVED that the task force comprise the  
23 following individuals or their designees:

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25 (1) Attorney General;  
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27 (2) Public Defender;  
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29 (3) All four county Chiefs of Police;  
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31 (4) All four county prosecutors;  
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33 (5) Chief Executive Officer of the Office of Hawaiian  
34 Affairs;  
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36 (6) A representative of the Hawaii Innocence Project;  
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38 (7) Two representatives with expertise in the relevant  
39 social sciences as demonstrated by teaching,  
40 publication, and other scholarly applications, to be  
41 appointed by the Senate President and one to be  
42 appointed by the Speaker of the House of  
43 Representatives; and  
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(8) Executive Director of the Hawaii Civil Rights Commission; and

BE IT FURTHER RESOLVED that the task force submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2014; and

BUT IT FURTHER RESOLVED that the task force cease to exist on June 30, 2014; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Attorney General; Office of the Public Defender; Police Chiefs of the City and County of Honolulu, County of Hawaii, County of Kauai, and County of Maui; Prosecutors of the City and County of Honolulu, County of Hawaii, County of Kauai, and County of Maui; Mayors of the City and County of Honolulu, County of Hawaii, County of Kauai, and County of Maui; Chief Executive Officer of the Office of Hawaiian Affairs; Hawaii Innocence Project; Executive Director of the Hawaii Civil Rights Commission; Chair of the Senate Judiciary and Labor Committee; and Chair of the House Judiciary Committee.

OFFERED BY:

  
Clarence K. Kihiko  
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